



**STATE OF ALABAMA
SURFACE MINING COMMISSION**

P.O. BOX 2390 - JASPER, ALABAMA 35502-2390
(205) 221-4130 • FAX: (205) 221-5077

Permit
File

Permit Revision Number: R-49

**REVISION TO PERMIT FOR
SURFACE COAL MINING OPERATIONS**

Pursuant to the Alabama Surface Mining Control and Reclamation Act, Act No. 81-435, and duly promulgated rules of the Commission, revision is hereby approved for permit:

P- 3232-01-23-U
Murray Oak Grove Coal, LLC
46226 National Road
St. Clairsville, OH 43950
(Oak Grove Mine)

License No.:	L-872
Pursuant to the	
Permit map:	1 of 1
Certified by:	Bradley K. Simmons P.E. 33277
Date:	12/10/2020

The permit is revised as follows:

1. Add 2 acres to Increment No. 1 for power borehole, substation, pumpable crib borehole and water borehole.
2. Modify the general plan.

R-49 Finding 1: The Regulatory Authority has taken into account the effect of the proposed permitting action on properties listed or eligible for listing on the National Register of Historic Places. By a letter dated January 13, 2021, the State Historical Preservation Office (SHPO), upon review of the cultural resource assessment conducted for the project, determined that the project activities will have no effect on cultural resources eligible for or listed on the National Register of Historic Places and therefore concur with the proposed project activities. This finding is supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Regulatory Authority has determined that no additional protection measures are necessary. Concerns for unknown resources, which might be discovered during mining, have been made conditions of the permit.

R-49 Finding 2: In a letter dated November 30, 2020, the Alabama Department of Conservation and Natural Resources (ADCNR) suggested a biological survey be conducted by trained professionals for the project area. The closest sensitive species is recorded in the ADCNR database as occurring approximately 4.2 miles from the subject site. By a letter dated December 9, 2020, US Fish and Wildlife Service (FWS) stated no federally listed species/critical habitat are known to occur in the Power Borehole, Substation, Pumpable Crib Borehole, and Water Borehole Site areas with the exception of possible summer roosting habitat for the Indiana bat and northern long-eared bat. If tree removal will occur between October 15 and March 31 FWS agree that the remaining portions of the proposed project is unlikely to impact the Indiana bat or northern long-eared bat. In the event that timber removal is necessary outside the recommended timber harvesting timeframe of October 15th through March 31st,

Murray oak Grove Coal, LLC must conduct and get approval of a presence or probable absence survey prior to any disturbance within the designated potential habitat areas. No other federally listed species/critical habitat are known to occur in the project area. By a letter dated February 5, 2021 McGehee Engineering Corp certify that there are no waters of the U.S. located within the area being added by R-49 to Murray Oak Grove Coal, LLC, P-3232, Oak Grove Mine. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.

R-49 Condition 1: Tree removal for the approximately 2 acres to be added by the Murray Oak Grove Coal, LLC, R-49 Power Borehole, Substation, Pumpable Crib Borehole, and Water Borehole Site areas shall only occur from October 15th through March 31st.

R-49 Condition 2: If timber removal from the potential summer roosting habitat is necessary outside the October 15-March 31 timeframe, an Indiana bat and Northern Long-eared Bat Presence Probable Absence Survey and Fish and Wildlife approval must be submitted to ASMC prior to tree removal.

ACREAGE SUMMARY:

*INCREMENT #1: increases to _____	882 acres
*INCREMENT #2: remains at _____	8 acres
INCREMENT #3: remains at _____	2 acres
*INCREMENT #4: remains at _____	5 acres

Total Acreage Increases to 897 Acres

*Bonded to Date

All other terms and conditions remain in effect as well as all Findings in the original permit and any Findings appropriate for this revision.

SM 2/9/2021
EFFECTIVE DATE: February 9, 2021

Kathy H. Love
Kathy H. Love, Director

/mw

cc: I & E, Permit File